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Remarks

Although the Applicant respectfully traverses the rejection of claim 32 under section 112, the Applicant has amended claim 32 to obviate the rejection. The Applicant respectfully submits amended claim 32 and all of the pending claims are in full compliance with section 112.

The Office Action rejects each of the independent claims based primarily on the disclosures of Farrar. The Applicant respectfully traverses the rejections. The Farrar reference discloses a security container having a removable lock that carries a security tag (20). The cited Farrar device include a security tag (20) that can be deactivated without providing the user access to the benefit of the asset because the Farrar container remains securely locked after the Farrar circuit is deactivate. When the Farrar device is locked, the user has no access to the asset and the asset is not conveyed by any change in the Farrar security tag. The cited material in Farrar thus does not disclose the circuit limitations defined in these claims wherein the electrical circuit and antenna provide the access or the conveyance of the benefit. This arrangement is not disclosed or suggested by the cited material in Farrar. The Applicant thus respectfully submits all of the claims are patentable over the Farrar reference and the cited secondary references.

The Office Action does not cite material in the cited references for numerous limitations of the claims. Instead, the Office Action concludes these limitations can be ignored because they are not apparatus limitations. The Office Action notes, however, that the elements of an apparatus claim may be recited structurally or functionally. The Applicant respectfully submits the limitations ignored in the Office Action are material to the patentability of the claims and cannot be ignored in the establishment of a prima facie case of obviousness. Section 2111.04 of the MPEP requires limitations defined in whereby clauses of claims to be considered if the limitations are material to the patentability of the claim. Such limitation can appear in apparatus claims. The limitations defining the structure and information of the electrical circuit and antenna are structural limitations of the recited device that must be considered in order to establish a prima facie case of obviousness.

Claim 1 requires the asset to have a lock with the information provided by the electrical circuit acting as a key for the lock of the asset. The recited information is thus a structural limitation of claim 1 that performs the recited function. The Applicant respectfully traverses the conclusion set forth in the Office Action that these limitations can be ignored in support of the rejection.

Claim 23 requires the information provided by the electrical circuit within the containing element to be used to execute a conveyance from a first party to a second party. The recited information is thus a structural limitation of claim 23 that performs the recited function. The Applicant respectfully traverses the conclusion set forth in the Office Action that these limitations can be ignored in support of the rejection.

Claim 32 requires an electrical circuit that provides access to the asset when electrical communication within the circuit is interrupted. Such a circuit and relationship between the circuit and the containing element are not disclosed in the cited combination of references.

Further, claim 61 requires the electrical circuit and antenna of the apparatus to be configured to communicate with a system to provide a user access to the benefit of the asset. The Applicant respectfully submits this limitation of claim 61 cannot be ignored as it defines the type of electrical circuit and antenna are carried by the locking element of the apparatus.

Claim 65 is similar to claim 61 because the electrical circuit and antenna are carried by the locking element. Claim 65 also recites the access device that communicates with the electrical circuit to provide a user access to the benefit of the asset. Claim 65 also requires the locking element to be disposed within the container body when the locking element is in the locked state. Claim 65 recites an access device that communicates with the electrical circuit. The cited references do not include such an access device.

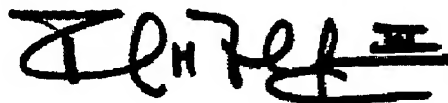
Claims 68 and 69 also recite the access device structure which is not found in the cited combination of references along with the other limitations recited in these claims.

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In view of the foregoing, the Applicant respectfully requests reconsideration of the claims and most earnestly solicits the issuance of a formal Notice of Allowance for the claims.

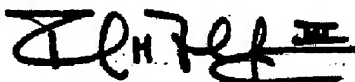
Please call the undersigned attorney if any issues remain after this amendment.



Fred H. Zollinger III, Reg. No. 39,438

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I hereby certify that this correspondence is being transmitted by facsimile to 571-273-8300  
on 29 November 2010.



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